

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JULY 15, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Simmons. Also present was Ms. Karen Mahalick , Adminsitrator, Ms. Estefanie Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to move Item number 15 to just after Public Comments and also move Item number 11 after Item 16. Councilor Abrams seconded the motion with amendments.

At this time Councilor Simmons was present.

Councilor Hill asked about a Resolution that was tabled at the last meeting and was to be placed on this Agenda.

Ms. Muller responded that the Council was going to make changes and then submit it to Staff and she had not received anything.

Councilor Hill stated he would be sure to follow up on it.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted Aye. Councilor Abrams voted aye. The motion carried.

4. APPROVAL OF CONSENT AGENDA.

A. Regular Council Meeting Minutes of July 1, 2009.

B. Acknowledge Receipt of the Parks & Recreation Report for the month of June, 2009.

C. Acknowledge Receipt of the Parks & Recreation Meeting Minutes of May 28, 2009.

D. Acknowledge Receipt of the Animal Control Report for the month of June, 2009.

E. Acknowledge Receipt of the Library Report & Board Meeting Minutes of June 2009.

F. Acknowledge Receipt of the Police Department Report for the month of June, 2009.

MOTION: Councilor Felton made a motion to approve the Consent Agenda.
Councilor Simmons seconded for discussion.

Councilor Simmons expressed her gratitude towards Animal Control for the handling of 9 loose cattle on the Fourth of July.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

G. Mayor's Corner on the Town Website.

Mayor Stearley discussed the two letters that were included in the Council packet and stated these were examples of items he would place on the website for citizen information.

Councilor Hill stated he had a couple of concerns regarding the letters as some of the items were placed under the wrong headings or were not completed at this time. He asked that the Mayor bring these letters before the Council so that they may check them for accuracy.

Mayor Stearley suggested that he could change the wording for clarification and added that he would be happy to present any items to be placed on the website to the Council for approval.

Councilor Felton stated he thought this was a good idea and that he expects it would be a work in progress.

Councilor Simmons asked about the number of software packages the Town has utilized since the inception of the Town.

Mayor Stearley responded with a timeline of the accounting software the Town has used and the reasons behind the upgrades.

Councilor Simmons also discussed the Animal Control Shelter, the Library Lease, the Parks and Recreation Summer Program, as well as the lease of Section 32.

H. Appointment of Energy Committee Member – Mr. Charles (Chuck) Ring.

Mayor Stearley asked the Council to approve his appointment of Mr. Chuck Ring to the Energy Committee.

MOTION: Councilor Simmons made a motion to approve the appointment of Mr. Chuck Ring to the Energy Committee. Councilor Abrams seconded the motion.

Mr. Ring stated he has been a resident of Edgewood for 23 years and is very interested in renewable and sustainable energy.

Mayor Stearley requested that Staff find out how many patients per month the Medical Facility is seeing.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abrams stated that he was anxiously waiting for the results of the Grant Application. The Energy Committee did not meet therefore he did not have any minutes to present.

Councilor Felton stated the Town had lost a valuable person this past weekend with the passing of Ms. Katherine Cleaver.

Councilor Simmons discussed the Plague and made some suggestions for pet owners to help protect from fleas.

7. MATTERS FROM THE ATTORNEY.

I. In-Fill Annexation Petition.

Mr. Rael updated the Council on the status of the In-Fill Annexation stating the petition was ready to be filed and he anticipates this taking place on or before August 3, 2009.

J. Approval of the Edgewood Police Department Standard Operating Procedures.

Mr. Rael discussed the documents his office had prepared and stated he would like to go over them with the Chief before adoption by the Town.

Ms. Mahalick stated anytime the Attorney offers free professional services, we should take them up on it and added they would provide quality work because they had created S.O.P.'s before.

Councilor Hill stated one of the deciding factors in choosing a Marcus' Firm was the fact that they had prepared S.O.P.'s in the past.

Chief Swanberg discussed the policies he had presented based on training requirements. He added he would be available to the Attorney for formalization of the S.O.P's

MOTION: Councilor Hill made a motion to authorize the Town Attorney to work with Chief Swanberg to formalize the S.O.P's. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

K. PRC Intervention.

Mr. Rael updated the Council on this item

8. MATTERS FROM THE MUNICIPAL JUDGE.

L. Judge White will present his report for the month of June, 2009.

Judge White presented his report to the Council and discussed the Annual training both he and Ms. Smith attended. He also discussed a Legislative Memorial regarding uncollected fines and fees and suggested the Council could bring this forward to the NMML.

Councilor Hill stated he would talk to the President of NMML regarding the Memorial.

9. SANTA FE COUNTY FIRE STATION ELEVATIONS – Chief Stan Holden.

Chief Holden presented the elevations and site plan for the new fire station and stated they were ready to move on to the Construction Document Phase. He discussed the various views, entrances, access points as well as some of his concerns.

Mayor Stearley asked if the access points had been approved by NMDOT.

Ms. Marci Riscan responded she had met with DOT and they had approved two access points as long as they are a minimum distance apart and they would provide their requirements for things like turning radius into those access points and signage.

Councilor Simmons asked about the costs for the two access points.

Chief Holden stated the two access points did drive up the cost but he feels that it is important to separate emergency response from the public access. He added that in order to save on some of the cost one of the access points would be shared with the Town.

Mayor Stearley asked about colors and the materials to be used in the construction.
Ms. Riscan presented color samples and three types of materials.
Councilor Hill asked when they were anticipating breaking ground.
Chief Holden stated they were ready to move forward to the Construction Document Phase which will take approximately two months. He also addressed funding, financing and stated they were looking at a variety of resources, including grants.
Councilor Hill discussed the adoption of new codes that could affect the construction and costs if the project takes place after the passing of these new standards.
Councilor Simmons asked about water collection from the roof.
Ms. Riscan stated they would be doing some direct watering for plants on site, from the roof and that a cistern has not been required for this project.
Ms. Mahalick discussed the sewer lines for the Fire Station and that some changes will be required for cost efficiency.
Mayor Stearley stated that at this time the Town did not have anything to offer the Chief regarding his waste water disposal.

10. MATTERS FROM THE POLICE CHIEF.

Chief Swanberg discussed two programs that he would be asking for Council approval on. He introduced Mr. Jim Edmiston to discuss the Police Officer Reserve Program.
Mr. Edmiston discussed the SOP's for the Officer Reserves that he was working on as well as the procedures and requirements for the Reserve Officers.
Mr. Leonard Navarre discussed the need for some form of grief counseling in the Community. He stated that their mission would be to serve as an on-call basis in times of crisis. He added that on an expanded level they would be able to provide needed resources for Thanksgiving and Christmas dinners as well as offering spiritual, moral and ethical support to members of the Police Department, Fire Department and families in the Community.

MOTION: Councilor Simmons made a motion to pursue the creation of a Reserve Officer Program and a Chaplaincy Program. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Chief Swanberg discussed some of the issues that took place at the Car Show. He suggested the passing of an Ordinance for the purposes of permitting large public events so public services are in place to deal with crowds and traffic control.
Ms. Mahalick stated she did have an Ordinance addressing these issues and that she would pass it on to the Town Attorney for review.
Mayor Stearley addressed another event that posed a dangerous situation and added that he would hope that the Ordinance would cover this as well.
Councilor Felton expressed his pleasure at the creation of a Reserve Officer Program. He added that Reserve Programs can work as recruitment tool.

11. MATTERS FROM THE ADMIN/PLANNER.

M. Update on Standing Committees.

Ms. Mahalick reviewed the status of the Sub Committees included the dates that some were disbanded.

Councilor Hill stated the Development Committee is statutorily required.

Ms. Mahalick responded the Development Committee was disbanded for the purpose of the wastewater collection system and would need to be reaffirmed for the evaluation of the Impact Fees.

Councilor Hill stated the Town could not collect impact fees without a development committee in place and requested legal clarification because State Law requires that the committee be in place.

Ms. Mahalick stated the Mayor and Council had tasked the Planning & Zoning Commission with reviewing the Impact fees as part of their duties.

Councilor Hill requested this be formalized in the form of a Resolution and he stressed the importance of having representation of the Development Community on the Planning & Zoning Commission especially if they are responsible for the review of Impact Fees.

Ms. Mahalick suggested asking a couple of local developers if they would be interested in serving and that she would bring a Resolution forward at the next meeting.

N. Project Updates.

Ms. Mahalick reviewed the status of the Recreational Fields funding, water and construction.

- Land Acquisition.

Ms. Mahalick discussed the status of two acquisitions.

Councilor Hill asked about the donation passing through a non-profit organization.

Ms. Mahalick updated the Council on other projects that are in progress or soon will be.

- Sewer Collection Line Contract.

Ms. Mahalick reviewed this item for the Council stating a contract had been signed and they were now waiting on NMED. She added that a tentative construction meeting was scheduled for July 27, 2009.

O. 2009-10 NMDOT-COOP Funding Award.

Ms. Mahalick stated the NMDOT COOP Funding has arrived in the amount of \$85,730.00 the Towns portion is \$28,576 for a partial portion of the Frost Road project.

P. NMDOT MAP Funding Award.

Ms. Mahalick stated the total estimated cost was \$201,100.00 of which NMDOT's portion is \$151,177.00 and the Towns match is \$50,392.33.

Q. NMML Annual Conference Voting Delegate & Alternate Appointment.

Ms. Mahalick introduced this item for the Council.

Councilor Hill stated that he had served in this position for the past two years, he described the duties and offered to be the delegate again.

Ms. Muller stated she had a copy of the Resolution package for the Voting Delegate.

Councilor Simmons stated she would serve as the Alternate again as well.

R. Grant Agreement Amendment for Community Center/Library and Animal Shelter.
Ms. Mahalick reviewed these amendments for the Council and discussed the expenditure of these funds.

12. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

Ms. Janelle Turner discussed the passing of Ms. Kathryn Cleaver and her commitment to the Town.

13. APPROVAL OF PUBLIC CELEBRATION ALCOHOL PERMIT- Fund Raiser at Wildlife West, (August 29&30, 2009) - Mr. Roger Alink.

Ms. Mahalick stated some of the required information was not provided on the permit application and that Mr. Alink was not present to answer questions.

MOTION: Councilor Hill made a motion to table this item until the next Regular Council Meeting. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

14. APPROVAL OF PUBLIC CELEBRATION ALCOHOL PERMIT – 10th Anniversary Celebration, (August 8, 2009) – Ms. Robin Foshee.

Ms. Robin Foshee presented insurance information and discussed the details of the application.

Councilor Hill asked about the insurance and requested staff to contact the Town Attorney for clarification.

Councilor Simmons asked what type of alcohol would be served.

Ms. Foshee responded it will be beer that will be dispensed out of kegs into plastic cups. She added that the area will be fenced off and will be operated by a Sierra Blanca employee who will verify ID's and distribute bracelets. Attendees will not be allowed to take alcohol out of the fenced area.

MOTION: Councilor Abrams made a motion to approve the Alcohol Permit for the Anniversary Celebration. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

15. PUBLIC HEARINGS.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick stated that Public Notice had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams certified no conflict of interest or ex-parte communication

Councilor Felton certified no conflict of interest or ex-parte communication.

Mayor Stearley certified no conflict of interest or ex-parte communication.

Councilor Simmons certified no conflict of interest or ex-parte communication.

Councilor Hill certified no conflict of interest or ex-parte communication.

(ROLL CALL VOTE)

S. Zoning Request for 208 Acres in Section 7 off of Sunshine Valley. Requesting Rural Residential (RR).

At this time Mr. Rael swore in all parties to give testimony.

Mr. Rael presented information regarding this item and brought the Council up to date on this request.

Ms. Mahalick reviewed Rural Residential Zoning and stated it would allow for the creation of a subdivision with a variety of lot sizes and further subdivision of those lots is restricted.

Mr. Rael stated their recommendation to the Council would be to Zone the property as they see fit and then send the developers back to Planning & Zoning to comply with the terms of the Zoning.

Ms. Mahalick stated the Planning & Zoning Commission recommended RR zoning and that the applicant would be required to follow the Ordinance and it allows the Town to have a development that includes a variety of lot sizes. This also allows the Commission to hold the Developer to reasonable buffering. There are adjoining property owners who have a problem with the development of smaller lots and that there is an access issue that would need to be addressed also.

Mr. Rael asked if Ms. Mahalick would agree the conceptual layout is not permanent and they are not approving the layout but the developer must go before the Planning & Zoning Commission and comply with the zoning code to develop the property.

Ms. Mahalick stated that is correct.

Mr. Cardenas stated their request for RR Zoning was an attempt to please the adjoining property owners. He added that he felt they had gone above and beyond in order to appease the adjoining owners.

Mr. Rael asked Mr. Cardenas if he understood the only thing to be decided tonight was the type of Zoning and that the developer would have to go back to Planning & Zoning with a preliminary plat for approval.

Mr. Cardenas stated he did understand this.

Mayor Stearley asked Mr. Rael if the road access was something that the Council should be concerned with and asking about this evening.

Mr. Rael responded this would be addressed by the Planning & Zoning Commission as this request moves through the process. He added that if there was an appeal then it would come before the Council.

Councilor Felton asked about access to the subdivision and if it was reasonable to talk about it tonight.

Mr. Rael stated one of the things that the Council has to consider is if the property would be properly zoned as Rural Residential.

Councilor Felton asked if Venus Road was still intended to be the main access and would therefore be paved.

Mr. Cardenas responded that Venus Road is really the only access and they did intend to at least chip seal the road.

Mayor Stearley asked where Venus would connect to the property.

Mr. Cardenas responded at the Southeast corner.

Mr. Rael asked if that would be between lots 1 and 71.

Mr. Cardenas stated this was correct.

Mr. Rael asked Ms. Mahalick is she had before her the requirements for Rural Residential zoning in the Town of Edgewood and if she would layout those requirements for the Council.

Ms. Mahalick read the Rural Residential requirements from the Town of Edgewood Zoning Ordinance.

Mr. Rael asked if it was her opinion that this applicant met these requirements.

Ms. Mahalick stated yes and added that it was a highly vegetated area and would be a showcase subdivision to maintain some of the natural topography and drainage.

Mr. Rael asked if she had seen evidence put forward that this subdivision would be provided water service.

Ms. Mahalick responded yes the applicant owns the water company.

Mr. Rael asked if there was evidence of wastewater disposal service.

Ms. Mahalick stated the applicant was looking at two alternatives for wastewater disposal both options are permitted under NMED.

Mr. Rael asked how many entrances are required for this type of subdivision and does this currently contain two entrances.

Ms. Mahalick stated the proposal only contains one and this would be reviewed by the Commission.

Mr. Rael asked Ms. Mahalick to state the minimum paving requirements for Rural Residential Zoning.

Ms. Mahalick stated the minimum paving is based on the build out and this can be found in the Subdivision Regulations and it goes to the amount of traffic generated. She added it would be a six inch, two-four lane, or a minimum of 24' feet in width.

Mr. Rael asked if chip seal would be adequate for this type of zoning.

Ms. Mahalick responded no, normally you do not apply 6" of chip seal.

Mr. Rael asked Mr. Cardenas if he was aware of the paving requirements at the time of submittal.

Mr. Cardenas stated he was not.

Mr. Rael asked if he had reviewed the requirements for Rural Residential Zoning before he submitted the application.

Mr. Cardenas responded he had simply glanced through the document but that the specifications of design are left to the engineers. He added that they would follow the design criteria for paving requirements.

Ms. Mahalick stated for clarification that the design comes from the subdivision regulations on the traffic volume and Zoning does not cover traffic volumes and asphalt design.

Mr. Rael stated Ms. Mahalick had said earlier that Rural Residential Zoning is one of the few types that allow for interplay between the zoning and the subdivision regulations.

Ms. Mahalick stated this was correct.

Councilor Hill asked if this zoning could be described as a performance based zone requirement rather than a prescriptive based zone requirement.

Ms. Mahalick stated yes, that you could call it performance based or sustainable, as it has aspects of both. She added that it gives you some latitude in what you can create within the plan and then you can work with other Ordinances to create more or less depending on what the terrain allows.

Councilor Hill asked if it would be fair to say that with this zoning it would be impossible to determine the number of lots that would actually come forward because of the layout or topography.

Ms. Mahalick stated that was correct and that is why this application is strictly conceptual. She added the layout of the land may not allow very many lots or it may allow more.

Councilor Hill discussed the density and it's affect on traffic volumes. He added that theoretically they did not know what the road requirements may be.

Councilor Felton asked about building on ridgelines and was this still discussed in the Comprehensive Plan.

Ms. Mahalick responded that it was addressed in this zone category.

Mr. Cardenas stated they had decided to limit the ridgeline structures to single story.

Mr. Rael asked if the applicant has provided any evidence that they will provide enough water for the subdivision.

Mr. Cardenas stated he had not.

Mr. Rael asked for comments or questions from the Public.

Mr. Byron Altman stated he lived 900' North of this proposed project and he asked about the layout, and the number of lots. He asked how the Town can approve this Zoning without the establishment of some of the criteria the Town has just outlined.

Mr. Rael clarified that the Town is only approving the type of zoning that this land will have not the way it will look at build-out. He added that when the applicant is ready to begin construction he will then have to go through the Planning & Zoning Commission for approval and at that time the number and size of the lots will be determined. The zoning does determine what types of development the applicant can bring forward.

Mr. Altman stated his concern is and always has been the size of the lots, he does not want the lots to be very small.

Mr. Rael explained the restrictions of the Rural Residential Zoning and stated this would dictate the type of development but that Mr. Cardenas did not have to present information at this time regarding the size and number of lots. There is no way for the Council to know at this time what the build-out may look like. Once the property is zoned then the applicant can come forward with a development concept that follows these zoning requirements.

Mr. Altman stated what he understood was that the Council could approve Rural Residential Zoning without any sort of layout for the subdivision and that there will be no further recourse once this goes to Planning & Zoning and that it will not come back before this Council, is that correct.

Mr. Rael stated he was correct but if it was appealed then it would come back to the Council.

Mr. Altman asked who had the ability to appeal a Planning & Zoning decision
Mr. Rael stated anyone who participated or had standing in the hearing before the Planning & Zoning Commission and he gave an example.
Mr. Rael asked that Mr. Altman limit his questions to Mr. Cardenas at this time and then after any others have had a chance to question him, the Council would hear questions.
Councilor Hill asked about the types of questions that are typically asked at a zoning hearing.
Mr. Rael stated they were related to whether or not the property in question was appropriate for the type of zoning that was being considered.
Councilor Hill gave some examples of appropriate types of questions for a zoning hearing.
Mr. Rael added that he would field the questions and determine if they were appropriate for this hearing or needed to be heard at the Planning & Zoning Commission hearing.
Mr. Altman asked where he would go to have his questions regarding lot size and number for this subdivision heard.
Mr. Rael referred Mr. Altman to the Towns Zoning Ordinance.
Councilor Hill pointed out that it was not just a public hearing but a Quasi-Judicial Hearing and therefore it manifests itself much in the same way as this hearing tonight where affected parties are given an opportunity to cross examine the applicant and give testimony.
Mr. Cardenas requested that the Council table this item so that he may have a chance to discuss some issues with their legal Counsel.
Councilor Hill asked Mr. Cardenas if the request to table was due to the fact that they may want to change the type zoning they are seeking.
Mr. Rael stated the applicant would need to withdraw this request in order to change the type of zoning they are seeking.
Mayor Stearley asked Mr. Rael how pertinent it was for the Council to consider Mr. Cardenas' request to table this item.
Mr. Rael responded that the applicants wishes should carry considerable weight with the Council.
Councilor Hill stated he felt that the needs of the Town itself should be considered as well. He added that this property needs to be zoned to end the uncertainty for Staff and other residents.
Mr. Rael agreed a lot of Town resources have been expended.
Mayor Stearley asked to hear from the other interested parties.
Mr. Michael Giannuzzi requested that all adjacent property owners be notified by Staff prior to the Planning & Zoning Meeting in which this would be heard.
Mr. Rael explained that there was a process in place and that public notice would be posted according to the law and advertised in the local papers a minimum of fifteen days prior to the meeting. He added that at the time of a Quasi-Judicial Hearing regarding subdivision, any adjoining land owners would be notified by mail.
Councilor Hill asked Mr. Giannuzzi what he would recommend the zoning be if not Rural Residential.
Mr. Giannuzzi stated he could not answer that question because he was not aware of the different types of zoning.

Councilor Hill stated he was asking that persons giving testimony limit their discussions to which type of zoning they would like if not Rural Residential.

Mr. Altman stated he did not feel that Mr. Cardenas went above and beyond in his attempts to contact adjoining property owners to hear their input.

Mr. Michael Patterson stated he owns property that borders this site, he was not contacted by Mr. Cardenas and added that this property was going to be very difficult to develop.

Mr. Rael asked if Mr. Patterson had any comments regarding zoning.

Mr. Patterson stated his concern was regarding lot size and did the zoning affect the lot sizes.

Mr. Rael clarified Rural Residential did impose a minimum lot size.

Mr. Cardenas apologized to Mr. Patterson for not contacting him.

Mr. Rael added it sounds like the concerns are regarding lot size and Mr. Cardenas will have an opportunity to meet with them during the development phase.

Mr. Joseph Wendt asked Ms. Mahalick if this was the most restrictive zoning for a property at this time.

Ms. Mahalick responded that it could be zoned R-E which would limit it to 5 Acre lots but he could blast it to create the lots.

Mr. Wendt stated the estimated traffic volume was very low as well as the income level, and this concern should be forwarded to the Commission.

Councilor Hill asked if traffic counts would be based upon the number of proposed residential units within a development.

Mr. Wendt responded they were.

Councilor Hill then asked how could the Council answer any questions regarding traffic planning if they do not know how many residential units will be there.

Mr. Wendt suggested the Town Council ask the Council of Governments to perform a survey on similar sized developments for traffic counts.

Mr. Rael stated these traffic counts were based on estimates and that Council does not know what the development will look like or what the developer may propose.

Councilor Hill asked Mr. Wendt what type of Zoning he would like to see placed on this property.

Mr. Wendt responded that he felt Rural Residential was the appropriate zoning for this property.

Mr. Steve Jerrel asked if the lot sizes would be restricted to 2, 3, & 4 acres lots.

Ms. Mahalick responded that the lots could be as large as 10 acres.

Mr. Jerrell stated he felt that Rural Residential Zoning was appropriate for this property and that it was well regulated.

Mr. Byron Altman discussed a meeting that was to take place with the interested property owners and Mr. Cardenas.

Mr. Rael interrupted Mr. Altman and asked him to limit his discussions to the Rural Residential Zoning that is being proposed.

Mr. Altman stated he had been attending meetings regarding this property for three years and some of the property owners had bowed out of these meetings because it had drag on and that he was tired of it.

Mr. Rael again asked Mr. Altman to limit his questions to the issues regarding the zoning of this property.

Mr. Altman asked Mr. Cardenas if his intention was to request another type of zoning at a later date.

Mr. Cardenas responded that he might.

Mr. Altman pointed out some of the regulations found within the Rural Residential Zoning and it is his opinion that the lots should all be 10 acres.

Mr. Rael asked if Mr. Altman was describing the lot sizes of adjoining properties to influence the Council regarding lot sizes.

Mr. Altman stated he was because the Rural Residential Zoning allow for smaller lots.

Mr. Rael stated the time to determine the size of the lots and to comment of the relative size of the lots is during the development phase not during the Zoning Phase.

Councilor Felton asked if there was a zoning of R-10 in Edgewood Zoning.

Ms. Mahalick responded there was not, the largest is agricultural.

Councilor Felton asked if there was Zoning for 5 acres..

Ms. Mahalick stated there was.

Councilor Felton clarified there is nothing in between. He added that within the Rural Residential Zoning it was possible for adjoining property owners to request the Planning & Zoning consider restricting the development to 10 acres lots.

Ms. Mahalick said they could.

Mr. Rael stated all of these issues would be dealt with at the development phase not this Zoning Hearing.

Councilor Hill stated the he too was frustrated with how long this process had taken and asked if Mr. Altman would like to have this tabled or moved forward with the requested Zoning and understanding he can come before the Planning & Zoning Commission with lot size requests.

Mr. Altman stated he would like to see this move forward and he feels that Rural Residential would be the most appropriate zoning for this property.

Mr. Steele stated he felt Mr. Cardenas and himself may need to reconsider the type of zoning they request.

Councilor Felton asked if the applicant would like to withdraw their request for zoning, consult with their legal counsel and then move forward in their own time.

Mr. Steele stated that is what they would prefer.

At this time Mayor Stearley closed the Public Hearing.

MOTION: Councilor Felton made a motion to approve RR Zoning for 208 Acres in Section 7. Councilor Hill seconded for discussion.

Councilor Hill stated he was taking Mr. Altmans comments to heart tonight and that he was making a decision based on what he had heard. He added that the applicant had a duty to come forward with a proper request and that this is it because it is creative and allows flexibility.

Councilor Simmons discussed private property rights and added that things have changes included the economic climate. She also stated the request to table this item from the applicant should be considered.

Councilor Felton stated he agreed this was the proper zoning for this property and urged the applicant to utilize this flexibility to bring forth a proposal that is both lucrative for the developer and acceptable to the neighbors.

VOTE: Councilor Hill voted aye. Councilor Simmons voted nay. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

At this time Councilor Felton excused himself from the meeting.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

T. Amendment of Ordinance No. 2003-3 Increase to Judicial Education Fees.

Mayor Stearley introduced this item and asked if public notice had been posted as required.

Ms. Mahalick certified that Public Notice had been posted as required.

Ms. Mahalick reviewed the amendments to the Ordinance for the Council.

MOTION: Councilor Simmons made a motion to Amend Ordinance 2003-3 to Increase the Judicial Education Fee. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

U. Approval of the 2009-10 Final Budget – Resolution No. 2009-33.

Mr. Rael introduced this item for the Council.

Ms. Mahalick reviewed the handout she had provided for the Council outlining some of the expenses and revenues by department.

MOTION: Councilor Abrams made a motion to approve Resolution 2009-33 Final Budget. Councilor Hill seconded the motion.

Ms. Mahalick stated she did not provide a summery review because she wanted the Council to see what the system does.

Mayor Stearley stated he liked seeing the numbers directly from the system.

Ms. Mahalick added she would like to publish this on the Towns website.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

At this time Mayor Stearley closed the Public Hearing.

16. CHAMBER OF COMMERCE QUARTERLY REPORT – Ms. Robin Foshee.

Ms. Robin Foshee presented the Quarterly Report for the Chamber of Commerce.

She also asked if the Councilors would judge the parade.

Council stated they would.

17. FINANCE & ADMINISTRATION.

V. Approval of Town Bills for the month of June, 2009.

MOTION: Councilor Simmons made a motion to approve the Town Bills for the Month of June, 2009. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

W. Approval of the Financial Report for the month of June, 2009.

Ms. Mahalick reviewed this item for the Council and gave the balance as of June 30, 2009.

MOTION: Councilor Hill made a motion to approve the Financial Report for the month of June, 2009. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

18. ANNOUNCEMENTS & CALENDAR REVIEW.

X. Regular Council Meeting – August 5, 2009 @ 6:30 P.M.

Y. Council Workshop Meeting – August 12, 2009 @ 6:00 P.M.

Z. Regular Council Meeting – August 19, 2009 @ 6:30 P.M.

Mayor Stearley discussed the announcements and calendar review.

19. FUTURE AGENDA ITEMS.

- Public Hearing – Campbell Ranch Appeal – August 5, 2009.

20. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting. Councilor Hill seconded the motion.

VOTE: All councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:48 P.M.

PASSED, APPROVED and ADOPTED this 5th day of AUGUST, 2009

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer